

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

**DEDRICK HARRIS
ADC #123627**

PLAINTIFF

v.

4:19-CV-00269-LPR-PSH

**ALEXANDER SANTUCCI, Officer,
North Little Rock Police Department, *et al.***

DEFENDANTS

ORDER

The Court received and reviewed the Proposed Findings and Partial Recommendation (“Recommendation”) filed by Magistrate Judge Patricia S. Harris. The parties have not filed objections. After carefully reviewing the Recommendation and the entire record, the Court approves and adopts the Recommendation with the following modification.

The Recommendation cites Plaintiff’s original complaint when referring to the unidentified individual. Specifically, the Recommendation states that “Plaintiff Dedrick Harris filed a *pro se* complaint on April 17, 2019, *naming an unidentified individual (“Doe”) as a defendant. (Doc. No. 2).*” (Doc. 20 at 1) (emphasis added). The Court, however, has already dismissed the unidentified individual (a public defender) named in Plaintiff’s original complaint. (Doc. 9 at 4).

The proper Doe Defendant, for the purpose of this Order, is the unidentified police officer referenced in Plaintiff’s Amended Complaint. (Doc. 7 at 4). Although Plaintiff did not name this individual as a party, his statement of the claim asserts that “[d]uring the intake process, Joe Pitts and *another officer* maced me and injured my right hand with excessive force” (*Id.*) (emphasis added). The Court designated this unidentified officer as “Doe.” (Doc. 9 at 5). The Court then held that Plaintiff “stated an excessive force claim against Pitts and Doe, and those claims will be served.” (*Id.*). Shortly thereafter, the Court issued another Order directing Plaintiff to provide the

Court with the Doe Defendant's name so that he or she could be served. (Doc. 18). Plaintiff's failure to act in accordance with the Court's Order inspired the pending Recommendation.

Therefore, the Court modifies the Recommendation insofar as it refers to the unidentified Defendant in the original complaint. For the purpose of this Order, Doe is the unidentified officer that Plaintiff referenced in his Amended Complaint. (Doc. 7 at 4). With this modification, the Court approves and adopts the Recommendation.

IT IS THEREFORE ORDERED THAT:

The action against Doe Defendant is DISMISSED without prejudice. Pursuant to 28 U.S.C. § 1915(a)(3), the Court certifies that an *in forma pauperis* appeal taken from this Order would not be taken in good faith.

IT IS SO ORDERED this 17th Day of December, 2019.

Lee P. Rudofsky
UNITED STATES DISTRICT JUDGE